

# **EXHIBIT A**

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

vs.

HOLMES & HOLMES INDUSTRIAL, INC., a  
Utah corporation,

Defendants

JOBY BRATCHER and ANTONIO  
BRATCHER, Applicants-in-intervention,

Plaintiffs in Intervention,

vs.

H3GROUP, INC., HOLMES & HOLMES,  
INDUSTRIAL, INC., MICHAEL H.  
HOLMES, RON K. HOLMES, PAUL FACER  
AND DOES 1-20, Respondents-in-  
Intervention,

Defendants in Intervention.

Civil No. 2:10-cv-00955DAK

**DEFENDANT HOLMES & HOLMES  
INDUSTRIAL, INC.'S RESPONSES TO  
PLAINTIFF EEOC'S FIRST REQUEST  
FOR PRODUCTION OF DOCUMENTS**

and without waiving, those objections, attached hereto are copies of the investigation notes of Dale Arrington, bates numbered H & H 0467 through 0471.

**REQUEST NO. 18:** Purchase receipts for any bicycles used on, or purchased for, the Chevron work site, along with purchase receipts/orders for any improvements, accessories, and/or alterations to any such equipment.

**RESPONSE:** Holmes objects to Request No. 18 on the grounds it is compound, overbroad, and ambiguous. Subject to, and without waiving, those objections, attached here to are copies of the requested documents, bates numbered H & H 0472 through 0482.

**REQUEST NO. 19:** A full and complete copy of Defendant's contract with Chevron during the relevant time period, including any documents reflecting any subsequent modifications to the terms of the original contract.

**RESPONSE:** Holmes objects to Request No. 19 on the grounds it is compound, overbroad, and ambiguous. Subject to, and without waiving, those objections, attached hereto is a copy of the requested documents, bates numbered H & H 0483 through 0688.

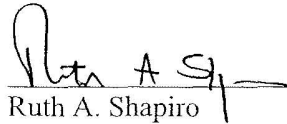
**REQUEST NO. 20:** The following documents, prepared for any period beginning January 1, 2006, to the present, reflecting the financial condition of Defendant:

- a) Income statements;
- b) Balance sheets;
- c) Statement of retained earnings;
- d) Expense statements;
- e) Federal tax returns, including attachments and schedules.

**RESPONSE:** Holmes objects to Request No. 20 on the grounds it is premature, overbroad, compound, and seeks information not reasonably calculated to lead to the discovery of admissible evidence. Further, UCA sec 78B-8-201 prohibits discovery of a defendant's wealth until the plaintiff has proven that an award of punitive damages is "reasonably likely."

DATED this 14<sup>th</sup> day of June, 2011.

CHRISTENSEN & JENSEN, P.C.

A handwritten signature in black ink, appearing to read "Ruth A. Shapiro", is written over a horizontal line.

Ruth A. Shapiro  
Robert S. Gurney  
*Attorneys for Defendants*

# **EXHIBIT B**

Ruth A. Shapiro, 9356  
Robert S. Gurney, 13226  
CHRISTENSEN & JENSEN, P.C.  
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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

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JOBY BRATCHER and ANTONIO  
BRATCHER, Applicants-in-intervention,

Plaintiffs in Intervention,

vs.

H3GROUP, INC., HOLMES & HOLMES,  
INDUSTRIAL, INC., MICHAEL H.  
HOLMES, RON K. HOLMES, PAUL FACER  
AND DOES 1-20, Respondents-in-  
Intervention,

Defendants in Intervention.

Civil No. 2:10-cv-00955DAK

**DEFENDANT HOLMES & HOLMES  
INDUSTRIAL, INC.'S ANSWERS TO  
PLAINTIFF EEOC'S FIRST SET OF  
INTERROGATORIES**

**INTERROGATORY NO. 5:** State Defendant's net worth for each fiscal year end from 2005 to present.

**ANSWER:** Holmes objects to Interrogatory No. 5 on the grounds it is premature, overbroad, compound, and seeks information not reasonably calculated to lead to the discovery of admissible evidence. Further, UCA sec 78B-8-201 prohibits discovery of a defendant's wealth until the plaintiff has proven that an award of punitive damages is "reasonably likely."

**INTERROGATORY NO. 6:** List all supervisors, including foremen and/or superintendents, who worked for Defendant between January 1, 2006 and December 31, 2008. For each individual listed, please provide the employee's full name, position title(s), work site(s), dates of employment, reason for termination/separation (if applicable) race, ethnicity, telephone number, and address.

**ANSWER:** Holmes objects to Interrogatory No. 6 on the grounds it is unduly burdensome, overbroad, ambiguous, compound, and seeks information not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving, those objections:

Floyd (Chad) Alread- Ironworker Foreman, Flying J crew  
Race-Caucasian  
Ethnicity- unknown  
4144 West 5950  
Kearns Utah, 84118  
801-231-0449